



PO Box 424, Binghamton, NY 13902
607-296-3016
truthpharm@gmail.com
www.truthpharm.org



Honorable Robert D. Drain
United States Bankruptcy Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601-4140

Aug 2, 2021

Re: Purdue Pharma, LP, et al., case no. 19-23649 (Bankr. S.D.N.Y.)

Dear Judge Drain,

My name is Alexis Pleus, Founder and Executive Director of Truth Pharm, an advocacy organization with over 12,000 followers dedicated to reducing the harms of substance use. I am joined by many other organizations, including families, claimants and members of the harmed public in writing this letter to you to make you aware of the thousands of innocent victims who have been misinformed, and purposefully blocked out of this bankruptcy process.

We collectively OBJECT to these proceedings, the proposed settlement and the non-debtor releases provided by this court.

This court failed to reach the majority of people harmed by Purdue Pharma. Hundreds of thousands of harmed American citizens don't even know they are part of a heinous process set to rob them of their rights. Imagine the children left behind without parents as a result of the Sacklers' actions who will come to this realization some 15-25 years from now and realize, it was your court that robbed them of their rights to hold the perpetrators of their lifelong harm accountable.

The harmed have not been provided the opportunity to be heard. The harmed have not been provided due process, which is our constitutional right. We have collectively been represented by attorneys who are out of reach for us, the individuals harmed by Purdue Pharma. We were not provided legal guidance or documents that are legible without an attorney's interpretations and those interpretations were not even made available to us. For months we have fielded calls from members of our organizations, harmed individuals who are about to be forced to live by the orders of a bankruptcy court that has been strategically orchestrated by the Sacklers to avoid the truth and accountability we have the right to pursue. From day one, we have been railroaded by the Sackler's demands and this court's servitude to the Sacklers.

Purdue Pharma and the Sacklers have been making headlines for years - leading to an overdose epidemic as declared by the CDC in 2011 where the CDC specifically pointed out the rise in overdoses as



PO Box 424, Binghamton, NY 13902
607-296-3016
truthpharm@gmail.com
www.truthpharm.org

being directly linked to a market flooded with prescription painkillers.¹ In 2012, 259 million prescriptions were written for opioids,² which was more than enough to give every American adult their own bottle of pills. Year after year, we have watched the death toll rise, watched as more people struggled and the addiction treatment system became completely overwhelmed and countless families sounded the alarms. The Sacklers dug their heels in, hired more marketing consultants, and worked to mar the reputation of the people who became addicted to their drug while they raked in \$3 billion per year in personal wealth as a result of their continued sales of Oxycontin.³

Certainly you and your court are aware of these facts. And so, for you to choose to block due process for the very people who have been harmed, is unfathomable.

The actions of Purdue Pharma, the role the Sackler family played in harming the American people now and for generations to come, has been and will continue to be well documented.

And it would appear that you have chosen to sell your legacy, your reputation, your fame, your court and our opportunity for justice to the highest bidder to be recorded in history as the judge who let them get away with it all.

Perhaps you were for sale all along, but we, the harmed, the memories of our children, brothers, sisters, mothers and families are not for sale and we will not allow your violent acts against us to move forward without resistance and without our voices collectively saying NO. This is not justice and we OBJECT.

While those harmed by the Sacklers are impacted by the criminal justice system, medical bills, treatment costs, costs of funerals and of raising the children left behind, this court chooses to give the Sacklers and over a thousand of their fellow bad-actors a pass. The Sacklers have used their wealth and influence to sway FDA approvals, to avoid accountability in the 2007 Department of Justice criminal case, to delay passage of the Sackler Act and now, it's about to happen again with this travesty of a bankruptcy process right here in your court.

The Sacklers have exercised unfair influence throughout the entire bankruptcy process resulting in court decisions and settlement provisions that shields billions of Purdue opioid blood money from creditors and forever protects the Sacklers from lawsuits and criminal courts. In addition, the court afforded Sacklers power to extend its releases to include hundreds of trusts, businesses, and financial

¹ https://www.cdc.gov/media/releases/2011/p1101_flu_pain_killer_overdose.html

² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5011952/>

³

<https://www.forbes.com/sites/alexmorrell/2015/07/01/the-oxycontin-clan-the-14-billion-newcomer-to-forbes-2015-list-of-richest-u-s-families/?sh=38e142b775e0>



PO Box 424, Binghamton, NY 13902
607-296-3016
truthpharm@gmail.com
www.truthpharm.org

and legal specialists, thus freeing the family to pursue the same criminal strategies internationally. Under the protective watch of countless lawyers and *Your Honor*, the Sacklers have controlled every aspect of communications and settlement negotiations thus supporting the oft stated belief this is a handpicked court and you are a handpicked judge with a reputation of legal interpretations that consistently favor debtors and non-debtors at the expense of creditors. In the process of filing for bankruptcy, Purdue Pharma somehow managed to scrape together millions of dollars in bonus payments to their top executives who your court also granted non-debtor releases for. Meanwhile, the supposed bankrupt Purdue Pharma afforded over \$600 million in attorney fees which will surpass payouts to the individual claimants harmed by Purdue Pharma, who have nothing left to scrape together to have their own legal representation. Your court is allowing this unbalance and we OBJECT.

Consider the facts, approximately 130,000 harmed individuals filed Personal Injury claims, some through contingency attorneys. That number doesn't begin to represent the actual numbers of individuals who had the right to file considering the count of overdose fatalities alone is over 900,000 and as stated previously, in just *one year* we saw a flood of 259 million prescriptions. These numbers don't count the countless individuals who died of sepsis, endocarditis and other afflictions related to Substance Use Disorder. Nor does it include the countless individuals who suffered for years with Substance Use Disorder who are now in recovery nor those still struggling. It is likely that the actual count of people harmed by the Sacklers and Purdue Pharma, if we count all of these and the children and parents left behind, tops 5 million. And this court only managed to reach 130,000. That alone should cause this court to reconsider settling this case.

Furthermore, we understand, Your Honor, has stated that only those who can prove they were prescribed a Purdue Pharma prescription will get a settlement. What of people like my family? My son died 7 years ago. His first prescription for oxycontin was written nearly 12 years before he died. Those records are not even available to me. What of the countless individuals who became addicted due to the market being flooded with unnecessarily prescribed Purdue opioids?

Additionally, claimants have been misinformed about how voting for the plan will impact their settlement. Most believed they had to vote yes to remain a claimant. Based on a preliminary voting table we obtained, it appears under 60k of the 130k voted, but it was touted by your court that 95% of claimants support the proposed bankruptcy plan. That's funny math. We do not agree with this consistent yet erroneous fallacy of the court purporting support for the plan by the harmed. The cavalier elimination of huge numbers of innocent recipients of the Sackler felonious behavior is cruel and damaging and is a gross misrepresentation of our position. We OBJECT.



PO Box 424, Binghamton, NY 13902
607-296-3016
truthpharm@gmail.com
www.truthpharm.org

In addition, there are many questions regarding the increasing possibility that non-voting claimants were automatically classified as yes votes, a huge prejudicial maneuver that we need confirmed one way or another. There was a problem with abstention due to the complicated, confusing and overwhelming amount of instruction and pressure to vote yes.

When we turned to the Personal Injury Lawyers representing the collective claims, we were advised to hire independent counsel for bankruptcy issues while concurrently being aggressively pressed to vote yes. Likewise, the UCC provided a detailed plan critique that was extremely disheartening to the individual claimants, but also advised us to vote yes as it was the only option available now and in the future. We have a right to representation, which you have not granted. The UCC does not have the right to sway the vote in the Court's favor.

The hugely ineffective communications to claimants doesn't begin to compare with what are clearly some of the most offensive aspects of the bankruptcy settlement. First and foremost the releases being handed to the SACKLERS. Secondly, it appears that the SACKLERS bled Purdue dry of their opioid profits and now act like the paltry amount being paid out over nine years (especially to individuals and families) is a substantial and fair amount. Why would we, as a class, saddled with years of opioid related bills, death and despair, agree to such an insulting payout? We do not. We object.

Why would we, the direct recipients of the anguish of years of lies and watching the SACKLERS get away with horrific crimes against citizens accept these unconscionable releases to the SACKLERS? We, the public, are not willing to accept being stripped of our Constitutional Right to pursue justice against Purdue Pharma and the Sacklers. Once again, we object to this court's attempts to release the Sacklers unscathed.

We object to this one-sided plan until the issues of the low number of individual claimants are explored and the issues of the individual claimants' rights being violated are investigated. We are at the front-line of the horrors of corporate criminal acts and fear this settlement plan will pave the way for the Sacklers and others to cause the loss of yet another 500K lives.

Sincerely,

Alexis Pleus for Truth Pharm and countless other organizations and individuals